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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BILLY CEPERO

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, ET AL.,

Defendants.

Case No.: 2:11-cv-01421-JAD-NJK

ECF Nos. 203, 208

STIPULATION AND ORDER REGARDING EVIDENTIARY ISSUES

Plaintiff Billy Cepero, (“Plaintiff”), by and through his counsel of record, Lauren D. Calvert, Esq. of the law firm of Messner Reeves LLP and Defendants (“Defendants”), by and through their attorney of record, Tye S. Hanseen, Esq. of Marquis Aurbach Coffing, hereby stipulate to the following evidentiary matters and request that this Court enter an order confirming the same.

On January 5, 2022, the attorneys for the parties exchanged correspondence regarding potential evidentiary issues that may require motion in limine practice. On January 6, 2022, the attorneys for the parties discussed at length the evidentiary issues we both had identified, as well as the potential for settlement. Those settlement discussions remain ongoing and are in good faith. Based upon the

discussions of the parties, they stipulate as follow:

1. Any testimony, evidence or argument that taxpayers will have to pay for any damages assigned to Defendant will be precluded.
2. Any testimony, evidence or argument premised upon post-conviction events (Plaintiff being stabbed while in prison, denied early release requests, etc.) will be excluded, with the exception that Defendant may present evidence or argument on post-conviction events that bear upon Plaintiff's claimed injuries or exacerbation thereof.
3. Any testimony, evidence or argument related to Plaintiff's financial status will be precluded.
4. Any testimony, evidence or argument related to insurance payments, public aid or other collateral-source payments for Plaintiff's medical bills will be precluded.
5. Any testimony, evidence or argument related to Plaintiff's use of alcohol, marijuana and other nonprescription drugs will be precluded, with the exception that any use of alcohol, marijuana or other non-prescription or illegal drug use by Plaintiff on the day of the event, or that resulted in him being intoxicated/impaired on the day of the event, that is relevant to Defendant's use of force may be permitted.
6. Any testimony or evidence related to damages not properly included/disclosed in the computation of damages will be precluded.
7. Any testimony from Plaintiff regarding injury causation occurring after he blacked out or was rendered unconscious will be precluded.
8. Any testimony or evidence of past LVMPD/officer incidents to attempt to establish liability. The exception being incidents the Defendant was directly involved in.

1 9. Any testimony or evidence from Plaintiff's non-retained experts related to future care
2 or future damages, unless such opinions were formed during the course of treatment by
3 that physician.

4 10. Any testimony or evidence that Defendant violated an LVMPD internal policy are
5 precluded because the issue for the jury is whether Defendant violated the law – not an
6 internal policy.

7 WHEREFORE, the parties respectfully stipulate to the above evidentiary matters, eliminating
8 the time and expense of counsel and this Court to address these matters in pre-trial motions or disputes
9 during the trial.

10 Dated this 10th day of January, 2022. Dated this 10th day of January, 2022.

11 **MARQUIS AURBACH COFFING**

12 **MESSNER REEVES LLP**

13 By: /s/ Tye S. Hanseen

14 By: /s/ Lauren D. Calvert

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19 **ORDER**

20 IT IS SO ORDERED.

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24 UNITED STATES DISTRICT JUDGE

25 Dated: January 12, 2022
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